

# **EXHIBIT 238**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,  
Plaintiffs,**

**v.**

**BRIAN KEMP, ET AL.,  
Defendants.**

**DECLARATION OF  
JEFFREY H. E. SCHOENBERG  
IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

**Civil Action No. 1:17-CV-2989-AT**

Pursuant to 28 U.S.C. § 1746, JEFFREY H. E. SCHOENBERG, declares  
under penalty of perjury that the following is true and correct:

1. My name is Jeffrey H. E. Schoenberg. I am an elector of the State of Georgia and a resident of DeKalb County. I have personal knowledge of the facts in this declaration and, if called to testify as a witness, I would testify under oath to these facts.

2. I am currently registered to vote in Dunwoody, Georgia. I have voted in all or nearly all Georgia elections in which I was eligible to vote for at least the last 28 years. I intend to vote in all future elections, including the November 2018 midterm election.

3. I was an employee of the United States Senate working in Atlanta from 1997 to 2002, including during the 2000 presidential election. In the aftermath of the controversy surrounding the irregularities in the Florida vote during that election, I understand Congress quickly acted to provide financial support for states to modernize their election systems. I understand Georgia was the first state to accept federal money and to roll out a modern election system statewide.

4. Because I was interested in and aware of the process by which Georgia obtained its election equipment, I remained attuned to issues related to voting machinery over time. I first read reports about Diebold equipment vulnerabilities as early as about 2003. Over the next several years, I read multiple news stories in which the reliability and security of various touchscreen voting machines was brought into question. I also learned that other states were decertifying and discontinuing their use of Diebold DRE machines only a few years after they had implemented them. I have since learned that these states decommissioned DREs because of their significant vulnerabilities. As result of learning about the vulnerabilities of the Diebold DRE, I have been involved in efforts to eliminate their use since 2006.

5. Given my knowledge and concern that Georgia's DRE system cannot be secured from malicious tampering and provides no independent record of votes

against which to verify the outcome of an election, I have little reason to believe in the integrity of any Georgia election.

6. Unfortunately, my faith in Georgia's election integrity has continued to fall in recent years. Persistent revelations about Georgia's failures to take action to address our election vulnerabilities, and its own actions that have compounded those vulnerabilities, have only added to my concerns. The almost daily accounts I read of individuals from Russia and elsewhere actively attempting to disrupt our elections process give me additional concern over our election system.

7. In every election since at least 2006 in which I have voted, it has occurred to me during the act of casting my ballot that I may be engaging in an entirely hollow exercise. I know that even with good faith effort, no one can know whether my vote or anyone else's cast on the DRE machines will be recorded, tallied, or reported accurately.

8. Adding to my doubts about election integrity, I know there is no possible meaningful audit because there is no voter-verified paper trail, so I have no hope there might be a remedy if Georgia's elections are interfered with.

9. In addition, I have two daughters, currently 16 and 13 years old. Each has accompanied me to my polling place on more than one occasion. I take them to try to instill in them the importance of exercising their citizenship rights and the



value of civic engagement. These lessons are best taught in-person, but I find it profoundly troubling that while I am teaching them to participate as citizens I must also admit that I cannot have any faith in Georgia's elections as long as they are conducted with DREs.

10. I intend to vote in the upcoming midterm election in-person, even though I worry I will be disenfranchised given the likelihood the DRE system may not record or transmit my vote, or any vote, accurately.

Dated: August 7, 2018  
Atlanta, Georgia



JEFFREY H. E. SCHOENBERG